

**REMARKS**

Claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21 through 23, 25 through 29, 31, 34, 43 through 45, 53 through 55, 58 through 61, and 75 through 79 are pending in this Application. Claims 1, 2, 9, 13, 17, 18, 21, 31, 34, 43, 53, 55, 58 through 60, and 75 through 77 have been amended, and new claims 78 and 79 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, Abstract, FIGs. 1, 22, and 24, ¶¶ [0005], [0006], [0082], [0083], [0088], [0101] through [0126], [0186], and [0210] through [0217] of the corresponding US Pub. No. 20060253544. Applicants submit that the present Amendment does not generate any new matter issue.

**Personal Interview of April 15, 2010.**

Applicants express appreciation for the Examiner's courtesy in granting and conducting a personal interview on April 15, 2010. No agreement was reached.

**Claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21 through 23, 25 through 29, 31, 34, 43 through 45, 53 through 55, 58 through 61, and 75 through 77 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Bell et al.* (US 7181526, “*Bell*”) in view of *Rizzo et al.* (US 20030147390, “*Rizzo*”) and *Golden et al.* (US 6272127, “*Golden*”).**

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Bell*'s media session announcement system by including *Rizzo*'s multicasting server, to efficiently allocate the primary communication channels for data set transmission. The Examiner further concluded that that one having ordinary skill in the art would have been led to modify whatever system and method said to have been reasonably

suggested by the combined disclosures of *Bell* and *Rizzo*, by including *Golden*'s updated multimedia session, in order to combine circuit-switched networks with a packet-switched infrastructure. Applicants respectfully traverse this rejection.

There are fundamental differences between the claimed inventions and the applied references that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, the inventions defined in independent claims 1, 43, 53, 55, and 58 recite, *inter alia*: “providing a second set of announcements of **electronic service guide data** describing at least one updated multimedia session **that was updated into an earlier version of the first set of announcements and is described in the first set of announcement.**”

The above stressed features of the independent claims are neither disclosed nor suggested by any of *Bell*, *Rizzo*, and *Golden*. In particular, *Bell* only facilitates media sessions of a media conference; *Rizzo* only multicasts generic data; and *Gorden* only updates positions of sub-windows on a user interface of a web browser (col. 8, lines 35 through 38). None of *Bell*, *Rizzo* and *Golden* discloses electronic service guide (ESG) data of their updates.

Applicants disagree that one having ordinary skill in the art would have interpreted the expression “electronic service guide data,” in the **context** of the present invention, as an email describing conference time updates, as asserted by the Examiner during the interview.

As evidenced by the concurrently filed IDS reference: IP Datacast over DVB-H: Electronic Service Guide (ESG), [http://www.dvb-h.org/PDF/a099.tm3348r2.cbms1199r14.IPDC\\_ESG.pdf](http://www.dvb-h.org/PDF/a099.tm3348r2.cbms1199r14.IPDC_ESG.pdf) [2005], “electronic service guide” is a defined term in the art. Electronic Service Guide (ESG) contains information about the services available via IP datacast over DVB-H. Through the information in the ESG, the user can select the services and items he/she is interested in and find stored items on the terminal. Based on the ESG information rendered to a user through an ESG application, a specific service can be

selected. The ESG also provides information which enables the terminal to connect to the related IP stream in the DVB-H transport stream.

In addition, the specification clearly defines Electronic Service Guide (ESG) as a set of metadata describing available content such as e.g. streaming media and downloadable files with indication of their transmission schedules. The full or partial metadata of a single ESG is delivered to receiving clients in an ESG session that may comprise one or more channels (§ [0082]). An applicant is free to be his or her own lexicographer. Here Applicants have defined Electronic Service Guide (ESG) completely consistent with how one having ordinary skill in the art would have interpreted that expression. See, e.g., *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). Therefore, the Examiner is required to interpret “electronic service guide data” as defined by the specification.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicants, therefore, submit that the imposed rejection of claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21 through 23, 25 through 29, 31, 34, 43 through 45, 53 through 55, 58 through 61, and 75 through 77 under 35 U.S.C. §103(a) for obviousness based on *Bell* in view of *Rizzo* and *Golden* is not factually or legally viable and, hence, solicit withdrawal thereof.

#### **New Claims 78 and 79.**

New independent claims 78 and 79 recite features respectively similar to those in independent claims 1 and 43 and, hence, are free of the applied prior art for reasons advocated *supra* with respect to independent claims 1 and 43.

The recitation “a non-transitory computer readable storage medium” is supported by a memory 55 of a datacast client 5 recited in the originally filed disclosure. The reaction of “processor” is supported by a processor 53 of a datacast client 5 recited in the originally filed disclosure. The recitation “instructions” is supported by computer program recited in the original filed claim 42, ¶¶ [0030], and [0223].

Accordingly, claims 78 and 79 are free of the applied prior art.

Based upon the foregoing, it is apparent that the imposed rejection has been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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